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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,532	10/15/2001	Ray R. Bellantoni	884.490US1	5051
21186 7590 08/28/2007 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/978,532

Applicant(s)

BELLANTONI ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/7/02</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Claims 1-10, and 13-23 remained pending and claims 11-12, 24-26 has been cancelled.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenhart U.S Patent 2001/0047276.

As per claim 1, Eisenhart discloses a computer-implemented method, comprising:

displaying an interface screen to allow an applicant from a first company to enter a non-disclosure agreement number corresponding to a non-disclosure agreement;

determining whether the non-disclosure agreement number matches a non-disclosure agreement number in authorization data as part of a request for access from an applicant(see columns 2-9 paragraphs 0031-0105)

if not, sending a denial email to the applicant;

if so, determining whether the a first company has executed the [[a]] nondisclosure agreements if so, determining whether the an applicant is associated with the first

company(see columns 2-9 paragraphs 0031-0105) if so, displaying an interface screen comprising terms of an authorized disclosure letter and further displaying a choice of accepting the terms or not;

determining whether the applicant agrees to the disclosure terms; and

if the applicant agrees to the terms, displaying an interface screen to allow the applicant to select one of a plurality of programs, each of which is associated with a corresponding list of company names authorized to exchange information with the applicant(see columns 2-9 paragraphs 0031-0105) and

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responsive to a selection b. the he applicant of one of the plurality of programs, displaying the corresponding list of company names; responsive to a selection by the applicant of a second company name from the list of company names, providing the applicant with access to information belonging to the a second company.

.(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 2, Eisenhart discloses wherein the information comprises confidential information 2 belonging to the second company. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 3, Eisenhart discloses further comprising: determining whether the first company is authorized to a program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 4, Eisenhart discloses wherein the second company is authorized to the program. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 5, Eisenhart discloses wherein the information is associated with the program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 6, Eisenhart discloses wherein the program comprises a joint-development program in which the first and second companies are participants. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 7, Eisenhart discloses further comprising: determining whether an owner of a program gives approval for the first company 3to participate in the program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 8, Eisenhart discloses further comprising: determining whether a field representative gives approval for the first company to participate in a program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 9, Eisenhart discloses an apparatus, comprising: a controller to allow participants in a program to exchange information regarding a program when the participants agree to terms in an authorized disclosure letter and when the participants are authorized according to authorization data;

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wherein the authorization data comprises data regarding employees associated with the participants; and wherein the authorization data comprises data regarding non-disclosure agreements executed by the participants. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 10, Eisenhart discloses wherein the authorization data comprises data regarding which companies are authorized to the program. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 11, Eisenhart discloses wherein the authorization data comprises data regarding employees associated with the participants. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 12, Eisenhart discloses wherein the authorization data comprises data regarding non-disclosure agreements executed by the participants. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 13, Eisenhart discloses wherein the program comprises a joint-development program in which the participants participate. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 14, Eisenhart discloses wherein the information comprises confidential information belonging to the respective participants. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 15, Eisenhart discloses a signal-bearing medium comprising instructions, wherein the instructions when read and executed by a processor comprise: displaying an interface screen that allows a user to enter a non-disclosure agreement number; when the non-disclosure agreement number is valid, displaying terms of an authorized disclosure letter; and when the user agrees to the terms, providing the user with access to information belonging to a participant in a program. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 16, Eisenhart discloses wherein the instructions further comprise: providing an access control interface, wherein the access control interface allows

the participant to control access to the information. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 17, Eisenhart discloses wherein the instructions further comprise: providing a request access interface, wherein the request access interface allows the user to request access to the information. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 18, Eisenhart discloses wherein the instructions further comprise: providing a display of companies who are participants in the program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 19, Eisenhart discloses wherein the instructions further comprise: providing a display of companies authorized to exchange information with the user on a per-program basis. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 20, Eisenhart discloses wherein the instructions further comprise: providing a display of contact information for the participant in the program. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 21, Eisenhart discloses wherein the instructions further comprise managing the information. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 22, Eisenhart discloses wherein managing the information further comprises at least one of adding, viewing, deleting, and updating the information. .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 23, Eisenhart discloses a server to facilitate exchange of confidential information about a plurality of controlled-communication programs, comprising:  
a memory, to store an authorized disclosure letter, authorization data, and a controller having a plurality of instructions;  
a display an input device, and a processor communicatively coupled to the memory and the display processor to execute selected ones of the instructions to:  
display an interface screen on the display to allow an applicant from a first company to enter into the input device a non-disclosure agreement number corresponding to a non-disclosure agreement(see columns 2-9 paragraphs 0031-0105)

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determine whether the non-disclosure agreement number matches a nondisclosure agreement number in authorization data as part of a request for access from an applicant if so, determine whether the first company has executed the non-disclosure agreement(see columns 2-9 paragraphs 0031-0105) if so, determine whether the applicant is associated with the first company if so, display an interface screen on the display comprising terms of an authorized disclosure letter and further displaying a choice of accepting the terms or not, determine whether the applicant agrees to the terms, using the input device; if the applicant agrees to the terms, display an interface screen on the display to allow the applicant to select using the input device one of a plurality of controlled-communication programs, each of which is associated with a corresponding list of company names authorized to exchange information with the applicant(see columns 2-9 paragraphs 0031-0105) responsive to a selection by the applicant, using the input device, of one of the plurality of programs, display the corresponding list of company names on the display(see columns 2-9 paragraphs 0031-0105)and responsive to a selection by applicant, using input device, of a second company name from the list of company names, provide the applicant with access to information belong to the second company. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 24, Eisenhart discloses wherein the controller is further to request permission from a program owner to allow the participants to exchange the information. (Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 25, Eisenhart discloses wherein the controller is further to request permission from a field representative to allow the participants to exchange the information .(Note abstract and see columns 2-9 paragraphs 0031-0105).

As per claim 26, Eisenhart discloses wherein the program is one of a plurality of programs and wherein the controller is further to display a list of participants on a per-program basis.(Note abstract and see columns 2-9 paragraphs 0031-0105).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

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4 Applicant's arguments filed 03/02/2007 has been fully considered but they are not persuasive for the following reasons.

5. In response to Applicant's arguments that Eisenhart fail to teach or suggest "displaying and interface that allows the applicant to enter a non disclosure agreement number and a controller to allow participants in a program to exchange information regarding a program when the participants agree to terms in an authorized disclosure letter and when the participants are authorized according to authorization data wherein the authorization data comprises data regarding employees associated with the participants and wherein the authorization data comprises data regarding disclosure agreements executed by the participants" the examiner disagrees with Applicant's because the limitations were addressed as stated.

Eisenhart teaches a server to facilitate exchange of confidential information about a plurality of controlled-communication programs, comprising:

a memory, to store an authorized disclosure letter, authorization data, and a controller having a plurality of instructions;

a display an input device, and a processor communicatively coupled to the memory and the display processor to execute selected ones of the instructions to:

display an interface screen on the display to allow an applicant from a first company to enter into the input device a non-disclosure agreement number corresponding to a non-disclosure agreement(see columns 2-9 paragraphs 0031-0105)

determine whether the non-disclosure agreement number matches a nondisclosure agreement number in authorization data as part of a request for access from an applicant if so, determine whether the first company has executed the non-disclosure agreement(see columns 2-9 paragraphs 0031-0105) if so, determine whether the applicant is associated with the first company if so, display an interface screen on the display comprising terms of an authorized disclosure letter and further displaying a choice of accepting the terms or not, determine whether the applicant agrees to the terms, using the input device; if the applicant agrees to the terms, display an interface screen on the display to allow the applicant to select using the input device one of a plurality of controlled-communication programs, each of which is associated with a



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corresponding list of company names authorized to exchange information with the applicant(see columns 2-9 paragraphs 0031-0105) responsive to a selection by the applicant, using the input device, of one of the plurality of programs, display the corresponding list of company names on the display(see columns 2-9 paragraphs 0031-0105)and responsive to a selection by applicant, using input device, of a second company name from the list of company names, provide the applicant with access to information belong to the second company. (Note abstract and see columns 2-9 paragraphs 0031-0105).

Therefore it is inherently clear that Applicant "s claimed limitations were addressed within the teachings of Eisenhart.

6. Applicant "s claims 1, 9, and 23, states " **to allow, to enter, when the participants agree, "**

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a

claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in

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view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous.

Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multifarm Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01. of rejections.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

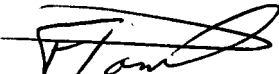
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

May 15, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Au 3692*